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THE EFFECT OF THE REVOLUTION OF 1688 IN THE AMERICAN COLONIES

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THE EFFECT OF THE REVOLUTION OF 1688 IN THE AMERICAN COLONIES

Outline

The Effect of the Revolution of 1688 in the American Colonies

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Chapter I

Differing Aims of British and Colonial Policies

The beginning of English colonization in the New World was a very new and strange problem to the Mother State - a puzzle which proved difficult to solve. How to maintain the authority of the crown in a land thousands of miles from the seat of government was difficulty enough in itself. The various trial plans led to a gradual development which gave to the individual grantee all power to manage his own settlement in his own way, so long as he obeyed and followed, as far as possible, the English laws. This was not altogether wise as the real truth of the matter - the colonization by Englishmen, as opposed to settlement by conquest of barbarians - became evident. The theory that legislative authority may remain in the crown, while executive functions, at the same time, are delegated to a local governor might have developed well - managed colonies as powerful instruments of despotism in the constitutional struggle of the seventeenth century had the Stuart kings understood the arts of statesmanship.

At last, the inner meaning of English colonization, and its real cause appears on the historical horizon. From the year 1660, the theory for more than one hundred years was that the real value of colonies was to benefit the commerce of the Mother country. In the application of this theory, sincere efforts were made to compensate the colonies by bounties on the export of their raw products for the trade restrictions which bound them; and the attitude of England toward her colonies was far more friendly than was that of other European powers toward their colonies. But, nevertheless, the theory placed the colonies in a position of permanent subordination in the economic developments of the British Empire. The real theory of the English policy towards its colonies was expressed in the words addressed to William Penn by a leading English statesman - "Take care you injure not the revenue and other matters ought to be left to your own satisfaction."[1]

This general policy was not followed by Charles II and James II in whose reign we find so much royal interference. A Stuart failing was to reward their favorites by serving them to the possessions of others - and the American Colonies were too valuable to escape their grasp. But, the Revolution of 1688 came too soon for serious consequences to result from Stuart greed - and from then on the theory of

1. Egerton, H. E. - Short History of British Colonial Policy.

colonies as a benefit to the trade and commerce of the Mother country remained the English policy.

In spite of other influences which did affect the colonies in America there was a revolutionary tendency noticeable in the reigns of the kings of the Stuart Dynasty which for a time at least altered the general trend of colonial relationship with the Mother country.

The colonial empire in the Northeast at the close of the reign of James II in 1688 was as follows - in the north the New England colonies, disagreeing with each other in many ways, yet having features in common which were unlike those of the other colonies. Then came the conquered colonies; New York, New Jersey, and Delaware where England was trying the experiment of governing foreign populations. With this group comes Pennsylvania. Further south, Maryland, and Virginia, each with its distinct and sometimes antagonistic interests, and then the Carolinas which still existed mainly in the state of expectation. While they had never learned to love England, there was increasing need of her help for the French and Indians to the north were a very real menace - and this was a uniting influence.

The English colonies in America presented a very difficult problem to the mother country in many ways. Not only

was the knowledge possessed by the people of the colonies generally crude and rudimentary, but their sympathies were correspondingly narrow. The instruments of culture on a broad scale were lacking. The humanitarian spirit had not begun to awaken among the people. Their feelings of patriotism were as restricted as were their knowledge and sympathies. They found it difficult to sacrifice for objects which were distant either in place or time. In many instances, the affairs of their own colony where unknown to them or awaked little interest. Sometimes, even colony patriotism was too broad for them to grasp. Within the chartered colonies there was much to remind the people that they were a part of a common political system, and yet the fact was not brought home constantly or effectively to their consciousness. Colonies of that type were special jurisdictions, and they collectively existed under a highly developed system of self-government. In the colonies, especially in the 17th century, self-government proceeded very much farther than it did in the England proper. In the colonies no act of Parliament regulated development. Agents of the English executive were not to any extent present to direct or restrain the acts of the colonies. Colonial initiative extended without much restraint; not only to the admin-

istration of town and county government, to the collection and expenditure of local rates, and to the control of local officials, but to the affairs of entire provinces and germinal commonwealths. It was due to their remoteness and to the consequent absence of sovereign control, that the claim could be made that the New England colonies ranked as political structures higher than municipalities. The pressure of the Privy Council, of the central courts, of the officials of the central government scarcely reached them, and so they blossomed out into pseudo - statehood.

At the outset, they were the products of private initiative. This, when followed through a remarkable course of development, ended in the degree of independence which is thus indicated. The chartered colonies had their own distinct executives and legislatures, their official courts, militia systems, their systems of revenue and expenditure, their territorial and Indian policies, their ecclesiastical systems, and their institutions of local government. They possessed all the organs of statehood. Had they been legally independent of the home government, they would have needed institutionally little more than they already possessed.

These institutions were developed on American soil, and were intended to meet needs which were distinctly local and

characteristic of the frontier. Of the corporate colonies, this is literally true. In the process of adapting the forms of the trading corporation to the purposes of colonial government, the colonists changed its contents and created a new structure, distinct in purpose and character from anything which was previously known in English public or private law.

Until after the Restoration, the corporate colonies enjoyed to the full their system of "de facto" self-government. Instructions or commissions were not regularly received by them from England. By the leading colonies, agents were sent to England only when such action could no longer be avoided. The acts of the colonial legislatures were not submitted to the crown, nor to the council of state, for its approval or disapproval. No appeals were allowed to go from the Puritan colonies to the Privy Council or Council of State. The binding force of English statutes were either totally denied, or they were ignored when they operated as a restraining force upon the colonies. Even the administration of the oath of allegiance was neglected. Justice was not administered in the name of the king nor in that of the keepers of the liberties of England.

The position of the proprietary provinces was somewhat

different from this. None of the provinces originated without a charter from the crown, or a deed of bargain and sale from a proprietor. Their charters indicated more clearly than did those of the corporate colonies, the nature of the structure which was to result from the grant. There was in their consitution an hereditary and monarchical element, and their officials were for the most part appointive. In the transmission of political power from the proprietors to the colonists, commissioners and instructions were regularly used. These provinces were to a greater or less extent governed from a centre outside themselves and by officials who were independent of the colonists. By virtue of their structure, and so far as the settlers were concerned these provinces were not in the full sense self-governing. The degree of self-government which their inhabitants had was limited by the great executive powers of the proprietor and his officials. It resembled that which was possessed by the localities in England. The extent to which this was true varied greatly in the different provinces. In New York and Maryland the power of the executive reached a maximum, though local institutions in these provinces had some power. In South Carolina local government remained very poorly developed. In North Carolina

the institutions of government were made chiefly by the colonists themselves. This was true in Pennsylvania and East Jersey. In West Jersey there was virtually a system of popular government.

This meant that in the provinces wide departures from the model of the county palatine frequently appeared. The proprietors' claims were not always made good - their programme of monarchial or even autocratic government, they were by no means always able to carry through. Some of them did not attempt to do so, but granted away many of their chartered or territorial rights at the outset. This resulted in much variety in the relations between the proprietary executives and the people of the provinces as organized in their legislative or other institutions of local government. It ranged through all the stages from the autocratic system of New York to the practical reproduction in West Jersey of the corporate colony with its dominant legislature. As time passed, the colonists through their legislatures and their county governments, gradually defined and restricted the powers of the executive in all the provinces.

In their relations with the king, the proprietary provinces were nearly as independent as were the corporate colonies.

None of them, except Pennsylvania, were under obligation to submit their laws to the crown for approval at this time. Agents were rarely sent to England. In some, justice was administered in the name of the king. Ecclesiastical policies were varied and were not always in agreement with those of the Anglicans. But in a general way, it is true, in ideals as well as in forms of government, the provinces and their peoples were more closely akin to the England of that time than were the Puritan colonies of New England. In the case of the corporate colonies, the analogy fails, and the power of their general courts resulted in a system which in its main outlines was more like England in the 18th and 19th centuries, when the supremacy of parliament had been established and acknowledged.

The antagonism which the Stuart policy had aroused in the colonies, especially the antagonism engendered in the last part of the reign of Charles II and the entire reign of James II, found most of the colonies longing for a change, and ready when the first opportunity was offered, to throw over the elaborate policy of the Stuarts and in some colonies to revert to their old methods of government; but in all instances to bring about a change which would result in more favorable conditions for the individual colony. The colonies could not

see the viewpoint of England. Circumstances of location and of various other conditions combined with an attitude, too often, arrogant and domineering on the part of English colonial leaders, both at home and in the provinces, prevented a bond of common interests, sympathy, and understanding between the Mother state and its American offspring.

Chapter II

Results of Revolution of 1688 in Massachusetts

The Massachusetts charter was declared vacated in 1684, and in May, 1686, Randolph landed in Boston, bringing with him the exemplification of the judgment against the charter, and the commission for a new government. Together he and Joseph Dudley made ready to assume the government. The members of the General Court made no resistance, but merely tried to persuade Dudley not to accept the commission, and so to keep the government in their own hands. They failed in this, and broke up to await developments.

That an appointed council, such as was now installed, should replace an elected assembly was characteristic of the policy of the Stuarts; but the territorial jurisdiction assigned to the Council, which consisted of seventeen members - and a president, was significant of the new plan for the regulation of New England. By the revocation of the Massachusetts charter the way was opened for the union of most of the New England colonies. New Hampshire already di-

rectly dependent on the king, was united to Massachusetts. The territory of Maine was also added to the new government's jurisdiction; as was the part of Rhode Island west of Narragansett Bay, known as the King's Province. "Quo Warranto" proceedings were brought against Rhode Island and Connecticut, and Plymouth, by the plan, was to be united - this shows clearly England's plan of disregarding old charter boundaries and uniting the several colonies in one jurisdiction. Though started in the administration of Dudley, it is more evident in that of Andros, when Plymouth, Rhode Island and Connecticut were absorbed and New York attached to New England. And this was called the Dominion of New England.

The powers of the Council also show very clearly the contrast between the highly centralized ideas of the Stuarts and the democratic constitution of New England. First, it was an appointive council instead of an elective assembly; but there was representation for each colony. This representation was however made up of members from one party in the Court of Assistants. To this council was given all judicial, military, and executive power. It could hear and try civil and criminal cases, allowing appeals to England in cases involving more than 300 £, and it could erect inferior courts; but it could not levy new taxes, and it could

collect the old ones, and was entrusted with the expenditure of the proceeds. It had no legislative power. Liberty of conscience was granted to all, and it was promised "that such especially as shall be conformable to the rites of the Church of England shall be particularly countenanced and encouraged."[1] Its powers were not unlike those of the old Court of Assistants. In the former, however, the magistrates owed their office to annual election, while the present council was appointed during the pleasure of the king.

In reorganization of the military and judicial system of the colony and provision for its support which followed immediately, Dudley fulfilled his promise to make as few alterations as possible. The form of the courts remained the same, except that there was much more system and carefulness of procedure - a probate court was established in Boston, records were preserved, and the old excise and custom duties were continued, and a system of judicial fees was also established.

In the executive and administrative relations with the territories under his control, Dudley and his Council accomplished some really constructive work. The Indians were in-

1. Kimball, Everett - The Public Life of Joseph Dudley, p. 30.

duced to renew their treaties, though there were signs of approaching hostilities. The courts of justice were reorganized, long inherited disputes were settled and an efficient government was established in the King's Province - the Narragansett country - long a troubled region.

An attempt was made to force the Church of England upon the colonies where its service was not tolerated. Special encouragement was given to those who conformed to the Church of England. A minister, the Reverend Robert Ratcliffe, of the Established Church, was sent to Boston with Randolph. No notice was taken of this act - Ratcliffe was ignored by Dudley who knew the temper of the people and resolved to give as little offense as possible. Even the Council showed him few favors.

Dudley owed his position to Randolph, who had imagined that Dudley's willingness to serve the king and to personally profit by the change of government would give himself a free hand to make his fortune and to obtain a reward for the eleven years of labor he had performed. He expected a partnership for plunder between himself and Dudley; and instead he found that the President intended to make his government as tolerable as possible for Massachusetts. In his disgust he wrote that the government of Massachusetts was "still but

ye Governor and Council."[1]

On the whole the government of Dudley and his Council was not "hard or grievous to bear."[2] There were very few changes in the government; for, in spite of their loyalty to the king, Dudley and most of his associates were Massachusetts men, and so, conservative. It is true that there was favoritism and, also, fraud but the government was certainly neither cruel nor despotic.

To Puritan New England, the fall of King James came as an answer to its prayers for deliverance. The agents at once petitioned the new monarch for the restoration of all the former governments in New England claiming that; since the charters of the four New England colonies had been lost to them by "alleged and arbitrary proceedings"[3] and the commission which had been given to Andros, allowing him to make laws "without the consent of the people by their representatives;"[4] had been ended when the new rulers had ascended the English throne, the colonies should be restored "to their ancient privileges;"[5] and that the governors and magistrates who had been in office in 1686 be permitted to return to their offices. It was then that the Lords of

1. Kimball, Everett - The Public Life of Joseph Dudley, p. 36.
2. Kimball, Everett - The Public Life of Joseph Dudley, p. 37.
3. Barnes, Viola F. - The Dominion of New England, p. 234.
4. & 5 Barnes - The Dominion of New England, p. 235.

Trade to whom the petition was referred, were instructed to investigate the "allegations contained therein,"[1] and to report their opinion as to what should be done, in the meanwhile "restoring corporations to their ancient charters, liberties, rights and franchises."[2] The Attorney-General ruled that James II had illegally annulled the Massachusetts' Charter. The lords upon the application of Sir William Phipps and Mr. Mather did not send to New England a copy of the general instructions, which they were sending to the governors of the colonies, ordering them to proclaim William and Mary, and to continue in office all Protestant civil and military officers; but stopped it, ordering it "not to be sent."[3]

Before the Lords of Trade, the Attorney-General showed that the court had made no error in the proceeding, and that the charter had been revoked because its provisions had been violated. The colony in its government had departed from English law and legal tradition and by its breaches of the navigation acts had impaired the king's revenue. The Lords of Trade, satisfied that the proceedings against the charter had been legal and just, and convinced by the recent invasion

1. Barnes, Viola F. - The Dominion of New England, p. 236.
2. Barnes, Viola F. - The Dominion of New England, p. 236.
3. Barnes, Viola F. - The Dominion of New England, p. 236.

of New England that the union was necessary, recommended strongly to the King in council that the Dominion be continued. They desired some administrative changes. They advised the recall of Andros, and the appointment of a provisional governor who was to be instructed not to raise money by council vote only. In the meantime provision should be made for a permanent establishment which would preserve the rights and privileges of the people of New England and yet reserve such dependence on the Crown of England "as shall be thot requisite."[1] The king accepted this report and referred it back to the Lords of Trade, with instructions to prepare the draft of a charter for New England on the basis recommended. He ordered the government should be left to two commissioners, one of whom should be nominated by the merchants and planters then in England.

Mather had not expected or wanted this action. He wanted an immediate restoration of the old charter and the reinstatement of the former magistrates, and he wanted also an additional grant of power, "without which the Old Charter would not answer the Occasions and Necessities of the People."[2] Finding the king followed the advice of the Lords of Trade in refusing to restore the charter, Mather turned

1. Barnes, Viola F. - The Dominion of New England, p.236.
2. Barnes, Viola F. - The Dominion of New England, p.236.

to the parliamentray party for help. He succeeded in getting mention of a plantation charter in the bill for restoration of corporation charters which was at that time before the House of Commons.

He tried to force from William a provisional settlement satisfactory to the Puritans. Evidence points to the conclusion that Mather decided upon a bold step - the suggestion to the theocratic leaders at Boston that they overthrow the Andros government in the name of King William, thereby placing the new sovereigns under their obligation for having saved New England from supporting James. Conditions in New England were ready for an outbreak. The people were stirred to a frenzy by hope and fear - hope that news would arrive announcing restoration of the charters - fear lest Andros might surrender the Dominion to Louis XIV.[1] People were certain then that the charter would be restored. Revolt seemed imminent and mobs began to clamor for the surrender of the government. For a time the mob was in control in Boston - but finally the moderate leaders began to fear the consequences of the revolt, and the attitude of England on the matter. Governor Andros was overthrown and the news spread throughout the colonies. Plymouth, in imitation of Boston, assumed the old colonial government. Rhode Island also restored the government in operation previous to 1686. In

1. Barnes, Viola F. - The Dominion of New England, p. 240.

Connecticut a meeting was held to decide what action to take concerning the revolution. The majority opposed resumption of the charter government, but the theocratic leaders insisted on installing in office the former colonial officials on the ground that the James II proclamation restoring charters to corporations applied to Connecticut. There was no disturbance in Maine and New Hampshire. Both of these provinces were again brought under the jurisdiction of Massachusetts - Maine, because the inhabitants petitioned to be taken under her protection. In New York, the infection soon spread. The democratic element soon triumphed over the aristocracy and Leisler got control. In New Jersey there was no agitation against Andros. They awaited word from England. However, the outbreak in New York left the Jerseys without a government - having no resident councillors. Within a month the Boston uprising had brought about the complete overthrow of the Dominion of New England.

In the minds of the statesmen of England the Dominion of New England had seemed to hold out great hopes of the gradual development of a unified colonial group in America. It had strengthened the confidence of the Indian tribes, friendly to England, by its size and influence. It presented a united front to the French in Canada. It certainly added prestige to

New England. Had it not been for colonial jealousies, it might have gone far toward solving the English colonial question in America. All in all, the Puritan Revolution in New England brought to an end the only effectual system of defense that England ever developed for her American colonies.

The Boston Revolutionists faced two very important problems - the winning of recognition for the revolution from the British government, and the maintenance of it at home among those who preferred royal government. They sent word to the king thanking him "for casting off the yoke from our brethren of England and from ourselves."[1] They told of their revolt and said it had been undertaken in imitation of his example. They begged him for favorable interpretation of their actions and for restoration of their former rights.[2] The king had promised Mather unofficially to send a letter of approval to the Massachusetts' revolutionists in July - but nothing was sent until November - and the letter which came then did not relieve the tension, for it did not say anything about the question of government, merely ordering the officials to send home Andros and the other officials to answer any charges there might be

1. Barnes, Viola F. - The Dominion of New England, p. 253.
2. Barnes, Viola F. - The Dominion of New England, p. 254.

against them and to treat them well in passage.[1] These instructions were ignored until a second came authorizing those in charge of the government to continue in their work until further settlement should be decided upon.

All the colonies comprised in the Dominion officially petitioned for restoration of their charters, and for abandonment of the policy of consolidation. Plymouth asked for a royal charter guaranteeing the privileges which they had previously had and local autonomy. Connecticut asked only for a recognition of her status quo, her charter never having been vacated. Rhode Island expected a confirmation of her old charter "which, though submitted to the King, was not condemned nor taken from us."[2] New Hampshire realizing her weakness seemed not to care whether she was under royal or a Puritan government provided she was protected. She asked for local autonomy. New York petitioned against reannexation to the Dominion, should it be restored. However, it favored union with the Jerseys and with Pennsylvania or Connecticut for purposes of protection. The Jerseys also opposed restoration of the Dominion. They preferred to govern their provinces independently, but recognized the need of union of the middle colonies in the near future if war with France continued.

1. Barnes, Viola F. - The Dominion of New England, p. 255.
2. Barnes, Viola F. - The Dominion of New England, p. 256.

It was only with great difficulty that the revolutionary government of Massachusetts maintained itself during the long period of delay before William decided upon a colonial policy. It had no legal formation. It had not the respect of the people. Funds were low and hard to get. It failed in its military policy and in its attempt to revive trade. Reaction against the government accompanied its general demoralization. Everywhere there was lack of confidence - but the pro-Dominion party, in spite of its growing strength, dared not attempt a forcible restoration of the Dominion. All turned to England for help. Petitions were sent from all New England colonies, except Plymouth, asking for preservation of the Dominion and the appointment of a Governor-General. The royalist were constantly growing more confident, and the provisional government would surely have fallen had not favorable news arrived from England.

The first official expression of the policy of the new dynasty toward New England was in William's acceptance of the recommendation of the Lords of Trade in February, 1689. That was thatfor a temporary settlement Andros be recalled and a provisional government established without the power to levy taxes; and that for a permanent settlement, a charter be granted which guaranteed the rights and liberties of the people, but safe-

guarded the king's interest.[1] The significance of this report was that the Dominion was to be preserved, but with certain reforms - a representative assembly and a new governor. Because of danger from French invasion, the Lords of Trade overrode the king's judgment and insisted upon the immediate appointment of a governor-general of New England. New York and the Jerseys, and Massachusetts' agents protested against the continuation of the Dominion at all. They said the appointment of a royal governor would be a hindrance rather than a help in defense against the French. The king realizing that the situation would be embarrassing called a council meeting and asked the attorney-general and solicitor-general to attend and give the Rulers the best information they could "concerning the Grants and Charters of these colonies, and of His Majesty's right to appoint a Governor for those parts if his Majesty shall soe think fit."[2] He invited "the Merchants Inhabitants and others concerned in New England, New York, and the New Jerseys"[3] to this meeting, that they might express their opinions concerning the appointment of a governor.

Before a decision was reached on what should be the government of New England, news came of the revolution at Boston.

1. Barnes, Viola F. - The Dominion of New England, p. 262.
2. Barnes, Viola F. - ~~The Dominion of New England~~, p. 263.
3. Barnes, Viola F. - The Dominion of New England, p. 263.

William seems to have been rather annoyed at the presumption of the Puritans. Mather, to find out how the news affected the king, asked him if he knew of the service his subjects in New England had done him.[1] The king replied that he accepted what they had done. Mather advised the king to let the colonies know his attitude - and added that the people of New England could make him an emperor of America if he but restored their charters.[2] William took no immediate action, but the temptation of empire and power triumphed over his judgment in regard to a colonial policy. Mather, all seeming well in England, prepared to return to Boston when a new parliament came in, which Mather found would do nothing in New England's favor. If the charter was to be restored it must be the king who would do it - and he might be induced to grant a new and more liberal charter than the old one.

While Mather was doing his utmost to restore the former governments in New England the Lords of Trade were trying to persuade the king that necessity demanded the immediate reestablishment of the Dominion. Meanwhile Andros and the other Dominion officers arrived and were tried - but the trial was a fiasco because the agents refused to sign the charges against the prisoners. The officials themselves answered satisfactorily

1. Barnes, Viola F. - The Dominion of New England, p.264.
2. Barnes, Viola F. - The Dominion of New England, p.264.

and were discharged. No longer could the misgovernment charge against Andros be used as a reason for abolishing the Dominion - but the king would not order its re-establishment. It is hard to say whether his delay in deciding on a colonial policy was due to deliberate vacillation or to preoccupation with more important matters. He may have failed to realize the significance of the New England situation. He was more concerned in saving the colonies from France than as to how the colonies were governed.

The year 1690 passed without action concerning the colonial policy. All petitions the king referred to the Lords of Trade. The Lords of Trade, believing that if the long deadlock of inactivity was to be broken, they must abandon hope of continuing the Dominion, decided to save what they could from the wreck of their colonial policy. The agents were asked if they would accept a new charter, in which provision for a representative assembly should be made, but in which the right to choose the governor and council should be left with the king. The agents presented a draft of the kind of charter they wanted. The Lords in council asked the king how he wished the governor to be chosen. He said he would appoint the governor himself, and ordered a charter to be prepared upon that foundation.[1]

1. Barnes, Viola F. - The Dominion of New England, p. 267.

Forced to accept the king's appointment of a governor, the agents now tried to reduce the power of that official as much as possible. When Mather objected to the draft of the charter he received the reply that the agents from New England were not pleni-potentiaries of a sovereign state, and that if New England refused to submit to the terms of the charter the king would settle the country as he pleased.[1] Mather could do nothing to alter the final decision, and the charter passed the great seal on October 7, 1691.

By the decision to grant a charter to Massachusetts, the idea of a political consolidation of New England was abandoned. Connecticut and Rhode Island were restored to their former status as independent corporations and autonomous governments, and New Hampshire, due to the influence of the Mason heirs at court, was made an independent royal colony. Maine, Pemaquid, Plymouth and Nova Scotia were added to Massachusetts. A shadow of the Dominion remained, in the power given to the governor of Massachusetts to command all New England militia - this was to preserve the military strength of the former consolidation.

The charter of 1691 largely determined the British colonial policy toward New England in the 18th century. Although many features of the Dominion were abandoned, the colony did

1. Barnes, Viola F. - The Dominion of New England, p. 268.

not win that freedom of action which it hoped to attain by the restoration of the old charter supplemented by additional grants of power. As in the royal colonies, the king appointed the governor whose administration of affairs he guided by means of instructions on general policy and specific issues.

Legislative power was vested in a General Court consisting of two houses, the executive council acting as the upper, and the representative of the people comprised the lower house. All laws were subject to the absolute veto of the governor and to the royal disallowance. Contrary to usual custom, in royal colonies, the council members were to be chosen annually by the General Court, a procedure which allowed the deputies to select men in sympathy with them. The governor by veto could refuse to confirm the election of those of whom he disapproved. That the trend of development was away from increased power in the hands of the governor was due to an omission - the failure of the Lords of Trade to make provision for a permanent fund out of which the salaries were to be paid. This omission was very important in that it gave the representatives of the people the means of controlling his salary. By a threat of withholding his salary, they were able to override his veto and force through, temporarilly at least,

laws derogatory to the interest of the mother country, although such laws might ultimately be disallowed. They could not remove him from office, but by the same method they could force him to submit or to ask the king for his recall. Thus, the principle of a responsible ministry which was not officially introduced into England's colonial policy until the middle of the 19th century might almost seem to have been thus early developed.

The charter did not adequately provide for royal supervision of courts of justice. The General Court had the power to form "judicatories and courts of Record"[1] this giving an opportunity for such divergence from English custom as the colonists cared to make. Only in cases of personal action exceeding the value of 300 pounds sterling could appeals be taken to the king in council and there the case could be reviewed according to English law and proceedure, but otherwise there was no way of controlling the judicial system. Probate matters were left with the governor instead of being restored to the General Court. The appointment of all judicial officials was left with the governor and council but lack of settled funds for salary payment gave to the assembly the chance to usurp the power of appointment. On the question of land law, England gave in com-

1. Barnes, Viola F. - The Dominion of New England, p. 271.

pletely, and allowed New England custom to prevail. The charter confirmed all grants previously made even those which were incorrect in form, and omitted the stipulation that new patents should be taken out in the king's name. No requirement of quit-rents was made on land to be granted in the future, although holders of land already bound by quit-rent reservations were not released from such obligations. The General Court was given the right to grant lands in Massachusetts, Plymouth or Maine, but north and east of Sagadohoc, all grants had to have the royal approval.

Liberty of conscience was granted to all except Roman Catholics. The complete restoration of the old theocratic power was prevented. Suffrage was granted to all possessing freeholds worth forty shillings annually or other property to the value of forty pounds sterling. By this provision, nearly all property owners could vote and political domination passed from the theocrats to the aristocratic moderates of the large towns. After this, it was impossible legally for the theocrats to force the non-Puritans to attend services at a Puritan meeting-house.

The Lords of Trade seem to have expected that the abolition of the Dominion would make little difference in the reg-

ulation of the trade of New England. The royal appointment of the governor placed the execution of the navigation acts in the hands of one whose interests would best be served by careful regard for those of England and who would be guided by instructions. The crown had charge of vice-admiralty jurisdiction and courts all over New England.

It has often been explained that the charter of 1691 was a compromise between the old charter and the royal type of government. It was really a compromise between a practically independent theocracy which had developed out of the primitive government of the trading company and the Dominion of New England. The colony like all others which had originated through trading companies, had outgrown its charter, and it could not have comfortably or tolerably subsisted without exercising the powers which it had usurped in the process of its development. The colony was granted as much freedom as was given to it by the new charter because of the Boston Revolution and by Mather's successful diplomacy. Without these factors the king would probably have carried out the plan he had announced in April, 1689, of appointing a governor-general for New England, New York, and the Jerseys. But the granted charter was a disappointment to the theocrats.

To the Lords of Trade and to the non-Puritan element in

New England the governmental settlement was a disappointment. They had found the Dominion experiment satisfactory on the whole. Union had proved a strong defense against the French. The navigation laws had been enforced, trade seemed to be about to improve, the arbitrary rule of the Puritan theocrats had been broken, and liberty of conscience for all sects established. Control of justice and of the courts had made colonial laws conformable to the laws and interests of the mother country. If all was so satisfactory, why had the Dominion been abandoned? Because of William who chose to gratify the wishes of the Puritans in order to win their support in the war with France. By his choice, England lost the only opportunity she ever had of carrying out a consistent policy in New England for in the 18th century the local institutions of the colonies in the region were too deeply rooted to make consolidation possible. William could have easily continued the work so well begun, redressing the most obvious grievances by the establishment of a representative assembly, safeguarded by some means from a permanent fund for government support, and by the appointment of a governor more suitable to the Puritans and better fitted in other ways than Andros had been. The war with France would have united the various parts of the Dominion more firmly to the mother country - and with the passing of

the generation of Puritans, New England would not have had so independent an attitude. The new dynasty soon saw its error, but could not prevent it. The colonists refused to march outside the boundaries of the colonies in which they lived in case of war - the trade laws were little enforced as before 1684 and the New England governments continued to grow in independence - and unrest remained - because of the discontent of the non-Puritans that the Dominion had been given up. The policy of the 18th century, beginning with the establishment of the Board of Trade in 1696, centered in the effort long attempted to establish once more the relationship between the colonies and the mother country which had existed under the Dominion. In passing into the reign of William and Mary a new order of things begin. Previously the colonies had been founded mainly by settlement, now they are to be founded mainly by conquest.

Chapter III

Outcome of the Revolution of 1688 in New Hampshire and Rhode Island

In 1685 New Hampshire was united with several other localities to Massachusetts. It was the opinion of the king and his ministers that Massachusetts and New Hampshire had abused liberties granted by their charter and so should be governed by the king and not themselves.

The brief rule of Andros starting in 1686 had little effect on the people of New Hampshire but when the Glorious Revolution took place in New England, New Hampshire could not reassume the old government under which it had been as a royal province, neither could it come at once under the government of the Massachusetts Bay colony. The New Hampshire towns were as independent as they were before the first union with Massachusetts. They met and voted what they pleased, but there was no authority to enforce the law. A convention to decide what the towns should do until orders came from England was proposed, but there is not record that this proposed convention was ever held.

At the end of the year 1689, New Hampshire was still with-

out a common government. The four towns and their localities were like four independent little republics. In January, 1689-90 some of the towns elected delegates to meet in convention to devise some means of government for defense against the common enemy. A simple form of government was agreed on, but the town of Hampton would not agree to part of the plan - so the whole plan failed.

An Indian attack brought matters to a crisis. Some type of union had to be provided. A petition was agreed on and sent to the governor and council of Massachusetts. This petition asked that a government and protection such as New Hampshire had formerly had should be again enjoyed until the new rulers' plans in regard to the colony should be known. They agreed to obey the laws and to pay their share, as far as they were able to do so, in the union of the two colonies.[1] The petition was granted by Massachusetts, and so for a short time, New Hampshire came once more under the government of Massachusetts, and orders were given for town meetings for the election of officers.

There were those in New Hampshire who did not desire union with Massachusetts and this fact was presented strongly to the King. They were looking forward toward practical independence and increase of dominion, and they did not want to

1. Stackpole, Everett - History of New Hampshire, Vol. I, p. 164.

be a dependency, but were willing to be allies on equal terms. However, the king had other plans. He maintained the validity of grants made to Capt. John Mason, and he wished to help Samuel Allen, of London, who had bought their claims of the Mason heirs to lands in New England that had been granted to Capt. John Mason.

Another petition was sent to the king asking for annexation to Massachusetts, and promises were made by some of the king's officials that something would be done.[1] But nothing came of it.

A commission was granted Samuel Allen as governor and commander-in-chief of New Hampshire on March 1, 1692. The same powers were granted him as had been given to former governors, and in nearly the same words. The governor could call and dissolve assemblies at will, suspend and appoint members of the council, and veto any laws or bills passed. John Usher was made Lieutenant Governor in August, 1692, and he was, in reality, the governor; for Allen, the proprietor of New Hampshire, did not come to the colony in person to execute the duties of his office, so John Usher became the first of a line of troublesome and troubled governors of New Hampshire.

1. Stackpole, Everett - History of New Hampshire, Vol. I, p. 165.

The Strategy of Rhode Island Succeeds

For several years the English governments had had serious intention of reducing all the New England colonies to an absolute subjection to England. Through their natural resources, their enterprise, and their virtual immunity from British duties, these colonies had built up a fine trade and were reaping profits of which but a small percentage went toward English benefit. The main reason why England was having so much difficulty with her New England colonies was the charters which they had been granted. England, to have her way, had first to annul the charters. And in 1684 the first blow came when the charter of Massachusetts was annulled, and the colony became an absolute royal possession. The turn of Rhode Island was soon to come. In May, 1685, Randolph was ordered to "prepare papers containing all such particulars upon which writs of "quo warranto" might be granted against Connecticut and Rhode Island."[1] Randolph gathered a list of "Articles of high misdemeanor" against Rhode Island which were chiefly trumped up for the

1. Field, Edward - History of the State of Rhode Island and Providence Plantations, p. 137.

occasion, and were not, in all cases, true. However they were enough for the end desired, and in July were sent to the Privy Council by the Commission for Trade and Foreign Plantations with the recommendation that the Attorney General should bring writs of "Quo Warranto" against Rhode Island. The royal order carrying this recommendation into effect was soon granted and sent to New England in the care of Randolph.

As soon as the Massachusetts charter was cancelled, it was planned to make Massachusetts, New Hampshire, Maine, and Plymouth into a royal province, and also the Narragansett country. But the death of King Charles in February, 1685 and the accession of James II changed this policy somewhat. All the provinces except Plymouth were placed under a president and council until a chief governor should be sent over. In May, 1686, Dudley, in control at Boston, gave out a proclamation concerning the Narragansett country, erecting a Court of Record, appointing justices and other officials, and forbidding all governments to exercise jurisdiction there.

When Randolph arrived with the writ of "Quo Warranto" against Rhode Island in May, 1686, the time for the return of the writ had expired. The Rhode Island assembly voted "not

to stand suit with his majesty, but to proceed by your humble address to his Majesty, to continue our humble privileges and liberties according to our charter, formerly granted by his late Majesty, Charles the Second, of blessed memory."[1] Rhode Island knew the folly of opposing the king's will, and accepted altered conditions. In the last assembly, the colony tried to preserve as much liberty as it could by making detailed provision for the separate towns to conduct public business. The assembly then wrote to the King telling him of their action and asking his favor. An agent was appointed for the colony in London.

On June 3, 1686, the provisional government of New England under Dudley was abolished by the appointing of Sir Edmund Andros as Governor in Chief of all these provinces. Rhode Island was placed under the government of Andros and he was told to demand the surrender of the charter. Thus by royal demand Rhode Island's corporate existence was no longer to be allowed. She was to be merely a sort of county in a great royal province in which the colonists themselves had no privileges save those which they could persuade the royal governor to give them.

In spite of the incursions of neighboring colonies upon

1. Field, Edward - History of the State of Rhode Island and Providence Plantations, p. 139.

her lands and the disloyalty of some of her subjects, Rhode Island had managed not only to survive but to improve her conditions greatly. From a few scattered settlements, harassed by the neighboring colonies, she had grown into a prosperous plantation counting as a factor in New England's economic and political life.

The rule of Andros was dreaded less in Rhode Island than in any other colony. The establishment of this new authority in New England meant the transference of all political power from the hands of the colonists to Andros and his council. Laws could be made from which there was no appeal, financial systems could be altered, and taxes imposed by strangers who did not understand local requirements. But to Rhode Island the coming of the new rule meant that she was guaranteed protection against the oppressions and incursions of her neighbors, and she enjoyed a longer period of quiet than she ever had had before.

Rhode Island, although she had no particular feeling against the Andros rule, did not intend parting with her charter except as a last resort. Andros held his first council meeting at Boston, in December, 1686, and five of the seven Rhode Island members were present. The colony was from this time on governed by this body. The minor details

of government were cared for by a local court called "The General Quarter Sessions and Inferior Court of Common Pleas holden at Newport, Narragansett, and Providence Plantations."[1]

Rhode Island, although practically under the Andros government, had not vacated her charter. Warned that Andros was coming to claim it, in the fall of 1687, Governor Clark sent it to his brother, asking him to conceal it.[2] At Andros' departure, the charter was returned to the governor who kept it until the revolution of 1688-89 permitted a resumption of government under it. The colony seal was produced however, and it was broken by Andros. The sole authority for governing Rhode Island which Andros had was contained in the document which empowered him to obtain her charter, and to exercise similar control over her as over the other New England colonies. New instructions had just been received by Andros from the king in 1688 telling him that "for the service and for the better security of the king's subjects in those parts, to join and annex to the said government the neighboring colonies of Rhode Island, Connecticut, the Province of New York, of East and West Jersey,"[3] etc. when news came of

1. Field, Edward - History of the State of Rhode Island and Providence Plantations, p. 144.
2. Field, Edward - History of the State of Rhode Island and Providence Plantations, Vol. I, p. 145.
3. Field, Edward - History of the State of Rhode Island and Providence Plantations, p. 145.

the revolution of 1688 in England. As soon as Rhode Island learned this, and also that Andros was imprisoned at Boston, she began to form a temporary government of her own.

Accordingly on May 1, at a meeting of a convention called for the purposes of deciding what Rhode Island should do, it was decided that their former charter government should be resumed and that all officers, both civil and military, who were in place in 1686 should be re-established in office.[1] A declaration was also adopted, justifying their action. Then Rhode Island waited the outcome of events.

All New England was recovering its freedom. An assembly was convened in February, 1690. Previously, the throne had been petitioned for confirmation of the charter which was "not condemned nor taken from us,"[2] and the colony now sought to put the government on a firm basis. Of course, there were some in the colony who disliked the idea of being under Rhode Island jurisdiction. But their hopes that the charter would be invalidated by the Andros proceedings proved in vain. In December, 1693, the attorney-general rendered the decision that the charter should be confirmed.[3]

The new monarchs, at last, decided on the type of government for their New England colonies. The Connecticut and

1. Field, Edward - History of the State of Rhode Island and Providence Plantations, p. 146.
2. Field, Edward - History of the State of Rhode Island and Providence Plantations, p. 147.
3. Field, Edward - History of the State of Rhode Island and Providence Plantations, p. 147.

Rhode Island charters were allowed to stand, and Plymouth was united with Massachusetts under a new charter in 1691. The political rights of this new province were curtailed. The new governor of the province was Sir William Phipps, who favored the crown interests above those of Massachusetts of which colony he was a native. He was the first of a line of royal governors who, in their attempts to get united action against a common enemy, often encroached upon the chartered rights of the smaller colonies as of Rhode Island and New Hampshire.

Chapter IV

How Connecticut Saved the Charter

It was the policy of the later Stuarts to abolish municipal corporations. It happened in England under Charles II and the Lords of Trade believed that the same process could be well applied in the New World, and Randolph was sent over to try out the idea. Massachusetts because of its rebellious and stubborn attitude was severely treated; but as a rich colony, it would probably have suffered anyway.

Connecticut, granted a charter by Charles II, was too shrewd to invite open conflict which would surely have ended in defeat for it - but by courteous words and profound expressions of loyalty, doing with eagerness what it had no objection to do, and professing as eagerly to do what was out of its power, would not grudge such inexpensive sacrifice. And Connecticut had to be very careful for she had many enemies - Randolph, Massachusetts, that wanted one-half its territory, New York that wanted the other half.

When Charles II died, and James succeeded to the throne, Connecticut took great pains to protect its grantees before

the fate of Massachusetts befell them. A corporation, by English law, could only make valid grants under its common seal. Massachusetts had not done so, and when the charter became null and void the grants became so too. Connecticut had done likewise, but, warned in time, ordered all townships which had received grants to take out new ones under the seal of the colony. This, being done while the charter was in force, even its revocation would not disturb the titles.

James II had apparently made up his mind to revoke all remaining charters when he came to the throne - that he waited until then is good evidence that the feelings of Charles toward those who had received his liberal patents were kindly and were, also, decisive. Randolph was ordered, by James to prepare"Articles of High Misdemeanor"against Rhode Island and Connecticut, and he sent them to the Lords of Trade. Connecticut was charged with making fines contrary to those of England, imposing fines on its inhabitants, enforcing an oath of fidelity to itself, and not enforcing the oaths of supremacy and allegiance; prohibiting the worship of the Church of England; refusing justice in its courts, and excluding men of loyalty from its government and keeping the latter in the hands of Independents. Doubtless

for different reasons, Connecticut had committed these errors, but none of them were very serious crimes.

The attorney general prepared writs against the colonies, Randolph was to serve them. He sent an insolent letter to the officials of Connecticut which furnished them much more accurate information about himself than about the writs, as he did not call attention to the latter having run out. He told Connecticut there was nothing left for it to do but to resign its charter, and if it tried to defend it at law it would lose all western Connecticut to New York and perhaps other punishments.[1] The Connecticut representatives were to come to him at Boston. But Connecticut was prepared. Probably knowing that writs were on the way, they had divided up all the unappropriated lands of the colony among the towns to keep them out of the hands of the new royal grantees, a few weeks previously. In reply to Randolph the Magistrates held a special session, and sent another reply to the king, begging him to suspend proceedings against the charter. But Randolph shortly appeared and served the writs himself.

Meanwhile Joseph Dudley had written a confidential letter urging that Connecticut be annexed to Massachusetts rather than New York. Of course opinion in Connecticut was

1. Morgan, Forrest - History of Connecticut, Vol. I, p. 335.

divided; one opinion favored prompt surrender for fear the king might make the threat of Randolph good and partition the colony among its neighbors; the other determined not to be openly rebellious, but to give up nothing until it was forced from them. The leading men of the colony favored the latter method, i. e. Allyn and Fitz John Winthrop. The majority of the people were against surrender and appointed William Whiting, a London merchant, but the son of an old Hartford citizen, to represent the colony. He was given power to submit to the king's will if compelled, but meanwhile to employ council to defend the case, and at all events to ask for separate existence and not partition. He did all he could do.

On October 23, 1686, a new writ was sent. It was forwarded by Sir Edmund Andros, who arrived on December 21, commissioned to assume the government of New England. Two days later he sent a messenger to Governor Treat, empowered to receive the charter. Connecticut decided to leave the matter with the governor and his council. Finally they replied to Andros that they were willing to remain as they were, and they did not send the charter.[1] At the same time a letter was sent to the English secretary of state saying that Connecticut would be glad to remain as it was if the king was willing, but they must submit to his will, and if

1. Morgan, Forrest - History of Connecticut, Vol. I, p. 336.

he chose to join them to Andros' government as a separate province, they would like that better than to be annexed to any other province.[1] This letter which yielded everything on its face and nothing in the law had an effect much greater than Connecticut had expected. It was taken as a legal surrender of its rights to the king's hands, and the proceedings were dropped while Andros was told to assume the power to which the colony had agreed.

After several delays Andros set out for Connecticut. The Connecticut assembly met on the date of his arrival at Hartford. After some discussion the charter was brought in, and then, suddenly, the lights went out, and when relighted, the charter had disappeared. Officially the loss of the charter made no difference. If there was no charter for Andros to take up, neither was there one for the colony to fall back on. Allyn, one of the keepers of the charter, wrote on the records that Andros had taken charge of the government of Connecticut, annexed by his Majesty to the other colonies under his Excellency's government. Connecticut ceased to exist. Yet, the opponents of surrender could claim that they had never actually surrendered the charter.

1. Morgan, Forrest - History of Connecticut, Vol. I, p. 337.

So long as the colony's legal rights had not legally been abrogated, something might happen for which the charter would be very useful. The writ of "quo warranto" had not been decided against them, their charter had not been taken up. They were simply absorbed by a royal proclamation which might be revoked by a king at any time, and if that happened their rights would revert to the old status.

Andros continued the work of revising the government of Connecticut. He met with little opposition for the people of Connecticut were for the most part not very bitter against being absorbed into the colony. However, most of them did not like the change, and cared less and less for it as time went on, but they still considered themselves as free Englishmen under their home government.

The grievances under the Andros government probably seemed much worse to them than to us now, but we can see that they were very annoying and, in some cases, burdensome. Considering everything, Andros' government was no more efficient than the old government. Connecticut rebelled against it in feeling at least. There were stories of active plots to overthrow the government. There were letters from England denouncing them most vigorously - if they did not - but the leaders of Connecticut were wise and pa-

tient, and it was not long after Andros' accession that signs of trouble in England were very evident even in the colonies. Connecticut was willing to wait.

At the news that James had fled and the new dynasty come into power, Andros was thrown in jail by the people of Boston - but their charter was irrevocably lost. Connecticut's was not; and without hesitating the old officials produced the document, probably as their warrant, and called town delegates together. This was a wise act, as William was anxious to leave New England as it was, and Andros over it. The questions put before the delegates were as to whether they would consent to let the officers Andros found in power resume their functions, would continue as they were, or would have a committee of safety. The first proposition was accepted, and the old government resumed its functions at once. There were those who were opposed to this proceedure, but, on the whole, the colony gladly proclaimed William and Mary, and sent over a petition to William not to molest the charter further. William would have preferred to carry out the plan of James, but the best English lawyers pronounced the charter valid, having never been legally revoked, and William did not desire a legal struggle with one of his colonies at this time. So it was

that the stubborness of the Connecticut deputies had saved the charter and the government it granted to Connecticut.

Chapter V

The Conquered Province Becomes Royal

In order to oppose a more solid front to Canada, James II wished to unite all his northern colonies under a single military governor. Circumstances seemed to favor him. Massachusetts, the most powerful of the colonies, had fought bitterly with Charles II during his whole reign until just before his death he had succeeded in getting a chancery decree annulling the charter of Massachusetts. The Glorious Revolution and the accession of William and Mary marked in many ways an era in the colonies particularly in Maryland, Plymouth and Massachusetts. It transformed Maryland into a royal province and although the proprietary government was by and by to be restored, yet the days of the old semi-independent palatinate were gone never to return. It abolished the separate existence of Plymouth, and it changed the half rebellious theocratic republic of Massachusetts into a royal province. New York also became a royal province after the fashion of Massachusetts, but the change was in the reverse direction. The days of the autocrats were over. Self-gov-

ernment gained much in New York as it lost much in Massachusetts, from the accession of William and Mary.

When the first rumors of the Revolution of 1688 in England reached New York, Sir Edmund Andros, the governor-general of New York and New England, was in Boston where he had been forcibly detained by the citizens of the town. Nicholson, the lieutenant-governor, and a few other high officials either belonged to the Roman Catholic Church or were suspected of favoring that church, and because of this were disliked and distrusted by the Protestant population. Rumors had spread that the French in Canada were preparing to invade New York hoping with the aid of the Catholics there to take it from the English. Most of the people were Dutch in origin and they were nearly all Protestants. The feelings of the Protestants in the colony were strengthened for the hostile attacks when they heard of the result of the revolution in England. Leisler, who had come the colony as a German immigrant years before, placed himself at the head of the Protestants and seized Fort James. Shortly after this he was proclaimed lieutenant-governor in order to hold the province for William and Mary until their government should determine its policy. There was little ground for distrusting the Catholics within the province, but danger

from French attack was much more real, and was made evident by the assault on Schenectady. Many of the English colonists felt that there would always be danger so long as the French remained in Canada. Leisler held this view and it was he who called a congress of the colonies. Their deliberations led to the attack on Quebec under Sir Phipps with a naval expedition, and the march of Winthrop and Livingston against Montreal. Failure was the result of both expeditions. When the new governor, Sloughter, arrived in New York a few months later, the revolt was quickly ended - and Leisler was hanged.

The slogan was practically that of "no popery," upon which Leisler had come to power in New York. But it scarcely attracted the notice of the king, and he believed that Leisler was more influenced by a hatred of the Established Church than by zeal for the crown. It did have some effect, however. A few words added to the instructions of the new governor materially changed the conditions of religious toleration in the province of New York. Previously governors had been instructed "to permit all persons of what religion soever, quietly, to inhabit within the government."[1] Under Governor Sloughter's instructions, Roman Catholics were ex-

1. Winsor, J. - Narrative and Critical History of America, Vol. 5, p. 192.

cluded from this toleration. Was such intolerance really needed for the safety of the English colonies? They had up to that time been mainly a refuge for those who, in Europe, had suffered because of their liberal and anti-Roman religious opinions, and had never been much sought by Roman Catholics. Even in Maryland - which was established by a nobleman of that faith, Lord Baltimore - there were, after 50 years of existence, only about one hundred Catholics in the colony. Rather had public opinion and the political situation in England now raised the bugbear of popery.

It was this that prompted the restrictions in the instructions of King William's government which sought to enforce in New York the policy long used in England. The home government did not seem to realize that the majority of the Protestant clergymen of New York did not share Leisler's views, and that, supported by the better educated and wealthier classes, they had opposed him. After Leisler's death, however, the general assembly, composed largely of his former opponents enacted a law, the so-called Bill of Rights, denying liberty to any person of the Roman Catholic faith in his own practice of worship, contrary to the laws of England. And after the attempt on the life of King William in 1697, further laws ex-

pelling Roman Catholic priests and Jesuits from the province, and depriving "papists and popish recusants of their right to vote,"[1] were passed in 1700 and 1701.

In 1683 a general assembly of the provinces had been elected, holding two sessions that year and another in 1684. This assembly had been dissolved in 1687 by the instructions of King James II to Sir Edmund Andros, directing him "to observe in the passing of laws that the Stile of enacting the same by the Governor and Council be henceforth used and no other." The laws enacted by the first assembly and not repealed by the king remained in force, and the government was carried on with the revenues derived from the excise on beer, wine, and liquors, from the customs duties on exported and imported goods, and from tax levies; but the people had no voice in the ordering of this revenue, as they had none during the Dutch period and before 1683. Leisler and his party, however, believed in the principle of "no taxation without representation," and when the necessity for money arose out of the French invasion and the plan to reduce Canada, Leisler issued writs of election for a general assembly, which in the first session in April, 1690, passed a law for raising money by a general tax. Adjourned until the next fall, it again ordered

1. Winsor, J. - Narrative and Critical History of America, Vol. 5, p. 192.

another tax levy, and passed an act requiring people to serve in civil or military office.

In calling together this general assembly, in spite of the repeal, by James II, of the Charter of Liberties of 1683, Leisler assumed for the colony of New York, a right which the laws of Great Britain did not grant to her as a conquered or crown province. The terms of her surrender to the English, both in 1664 and 1674, ignored a participation by the people in the administration of the government, and the king, in council could, without infringing upon any law of England or breaking any treaty stipulation, deal with the conquered province as he pleased; while the other colonies in America were settled or discovered countries which, because they were taken possession of as unoccupied lands or under special charters and settled by English subjects, had therefore "inherited the Common Law of England, and all the rights and liberties of Englishmen, subject to certain conditions imposed by their respective charters, as against the prerogatives of the crown."[1] Leisler's action showed to the English ministry the injustice with which New York had been treated so long, and in the instructions given to Governor Sloughter in November, 1690 were directions advising him "to summon and call general Assemblies of the Inhabitants,

1. Winsor, J. - The Narrative and Critical History of America, Vol. 5, p. 193.

being Freeholders within your Government, according to the usage of our other Plantations in America."[1] This general assembly was to be the popular branch of the government, while the council, appointed by the king upon the governor's recommendation, took the place of the English House of Lords. The governor had a negative voice in the making of all laws, the final veto remaining with the king, to whom every act had to be sent for confirmation. There were in theory, three coordinate factors of the government, - the assembly, the council, and the governor. In reality there were only two, for the governor always presided at the sessions of the council voting as a member, and in case of a tie giving a deciding vote. This condition, by which the executive branch possessed two votes on every legislative measure, as well as the final approval, continued until 1733.

The first assembly called by Governor Sloughter enacted in 1691, the Bill of Rights, which was the Charter of Liberties of 1683, with some modifications relating to churches. The Lords of Trade could not recommend it to the king for approval, because they believed that it gave too great privileges to the members of the general assembly, and "contained also several large and doubtful expressions."[2] The king vetoed it in 1697,

1. Winsor, J. - The Narrative and Critical History of America, Vol. 5, p. 193.
2. Winsor, J. - The Narrative and Critical History of America, Vol. 5, p. 193.

after the ministry had taken six years to find objections to it. The real reason was that this Bill of Rights vested supreme power and authority under the king, in the governor, council, and the people by their representatives, while it had not yet been decided whether in New York which was a so-called "conquered" province, the people had any right to representation in the legislative bodies.

Governor Sloughter died shortly after his arrival in New York. He was succeeded by Colonel Benjamin Fletcher whom his successor Bellomont accused of allowing the introduction into the province of a debased coinage, protected pirates, taking a share in their booty as a reward for his protection, misapplied and embezzled the king's revenue, gave away and took for himself extensive tracts of land for nominal quitrents, and used improper influence in securing the election of his friends to the general assembly. He was finally recalled in 1697, and the Earl of Bellomont succeeded him. Meanwhile, the assembly, had begun the struggle for legislative supremacy which characterizes the inner political life of New York during the entire period of British dominion.

Chapter VI

Jersey and the Glorious Revolution-
Pennsylvania and the Glorious Revolution

The territory which later became New Jersey had been divided into two proprietary provinces which were known as East Jersey and West Jersey and they had the usual fate of such government. There were constant bickerings between the proprietors and their officials on the one side and the colonists of the provinces on the other.

In 1688 the proprietors of East Jersey had grown tired of trying to govern the province, and in April, 1688, had drawn up an act surrendering their share; for a time the people ruled themselves. The revolution in England which soon took place prevented action upon this surrender, but when, at the beginning of the next century, the proprietors of West Jersey also showed themselves willing to surrender the government to the crown, the Lords of Trade gave it as their opinion that there had never been a sufficient form of government in the Jerseys,and that many disorders there had been the result of the proprietor's pretence of right to govern. They advised the Law Lords to accept the surrender.

On April 15, 1702 the proprietors gave up their governing powers, keeping for themselves, however, all their rights in the soil of the province, while they abandoned the privilege of governing East and West Jersey. So New Jersey now became one province to be ruled by a governor, a council of 12 members appointed by the crown, and 24 assemblymen elected by the freeholders. The governor was given the right of adjourning and dissolving the assembly at pleasure, and of vetoing any act passed by the council and the assembly. His assent was subject to the approval or dissent of the king.

Pennsylvania and the Glorious Revolution

In establishing the colony of Pennsylvania on the basis of religious freedom, Penn declared that all Christians should have the right of public employment.[1] However, on the accession of William and Mary, Pennsylvania was obliged to accept the "penal laws" which meant prosecuting followers of the Roman Catholic church. Penn, himself, was not able to prevent it, although he opposed such intolerance, and it seems certain that the authorities in Pennsylvania were more tolerant than those in other colonies, for, despite all laws, Pennsylvania became of all the colonies the most

1. Winsor, Justin - Narrative and Critical History of America, Vol. V, p. 191.

favorable and the safest for the priests and missionaries of the Church of Rome.

After having acquired from the Duke of York the Delaware territory, Penn tried to bring his province and the older settlements under one form of government. However, he did not prevent the jealousies, caused often by difference of religious opinion and ambitious office seekers from raising a conflict which treatened a breakup of the nominal union. In 1688, John Blackwell was selected as governor. The choice was unfortunate. He had been in the province less than a year, when, convinced that his ideas would never meet with the approval of the colony, he returned to England.

In the meantime, James II had been forced from the throne, and William and Mary had become the rulers of England. These events brought unexpected results to the proprietary of Pennsylvania. The friendship of Penn with the dethroned James made him a suspicious person in the opinion of the new rulers. He was arrested several times on the charge of disaffection to the existing government. But he succeeded in clearing himself each time until 1695. He was preparing to visit his province when another order for his arrest forced his retirement into the country for a few years. This was a blow to his province which was torn by religious and political disturbances, which

his presence might have prevented. The result of this enforced inactivity on Penn's part was to deprive him of his province and its dependency - Delaware. A commission was issued to Benjamin Fletcher then governor of New York, to take Pennsylvania under his government on October 21, 1692. He visited them, but quickly returned to New York leaving a deputy in charge. At about that time Penn obtained a hearing, and once more cleared himself. He was then reinvested with his proprietary rights. In 1699 he visited his domain once more; and was successful in getting the assembly to pass most of his recommendations while there.

The evident intention of the ministry in England to reduce the proprietary governments in the English colonies to royal ones under pretence of advancing the prerogatives of the crown, compelled Penn to return to England in 1701 where he was successful in keeping control of his proprietary rights for himself and his heirs for many years.

Pennsylvania really was a great fief held of the crown by the proprietors. In reality they were feudal lords. In fact they were the executives of a democracy. The two characters did not agree well with each other. The vesting of government and of the absolute ownership of land in the same individuals were not consistent with the spirit of the age and

with the political development of the time. This was the final cause of all the struggle between the proprietors and the people, and also between the proprietors and the home government.

When Penn returned to England after his visit to his colony he decided to give up the duties of government himself, and in May, 1703 he proposed to the Board of Trade that he surrender his powers of government. The Board refused to consider this proposition, on the ground that, if the governments were purchased on such considerations, the crown would pay dearly for much trouble, and little dominion. Among the conditions stipulated was a ratification of all the privileges he had granted the colonists. Later Penn made another offer which was not accepted. Finally after long negotiations, an offer from Penn was in 1712 recommended by the Board to be accepted, but nothing resulted from this, and Pennsylvania continued a proprietary province until the American Revolution in spite of continued efforts to throw over proprietary government in favor of a royal government.

By the year 1687 the desire of James II to grant a more satisfactory boundary to his friend, William Penn, added to the desire of the home government, in the interests of trade, for the more immediate control of the government in the col-

onies, brought about the issue of the writ of "Quo Warranto" in April, 1687, against the Maryland charter. The suit, however, was ended by the king's flight, and so the charter was left unimpaired, and the proceedings were never resumed. At the same time, the restoration of a proprietary province proved not to be in accord with King William's purpose in accepting the English crown. When he accepted the crown he was seeking larger resources with which to carry on war against his old enemy, Louis XIV. He, of course, wanted the colonists and colonial trade to be protected, and his resources at the same time; he did not wish to be curtailed by obstructions to the trade of England. It was for these reasons that he was willing to make the most of the least opportunity for changing a proprietary government to a royal one.

Chapter VII

Maryland and the Revolution of 1688

Meanwhile in Maryland a crisis was approaching. When William and Mary ascended the throne, the lord proprietor of Maryland was ordered to have the new monarchs proclaimed in his province. He sent a messenger with the order, but the man died on the way and the order did not reach its destination. As a result of this, such a proclamation was made in Virginia and New England long before the Protestant king and queen received any official recognition in Maryland.

Meanwhile the conditions of Maryland were in a very troubled state. Rumors spread through the province that a large force of French, Indians, and Catholics were about to attack the Protestants or had already begun the attack. It was only by very quick action in convincing the colonists of the falsity of the rumor, that an uprising was prevented at this time.

Even then trouble was not far away. John Coode, a leading trouble-maker was determined to revenge himself upon the

lord proprietor for punishment he had received for his part in previous attempts at revolt. After the rumor about the French and Indians had failed to accomplish its purpose, the opposition was organized into what was called a "Protestant Association" with Coode as captain of the militia. He was a vain, shiftless, and unprincipled man - willing to go to almost any extreme to get revenge. The report was spread that the government houses were being fortified. Some of the "Associators" went in arms to investigate and seized the records. Shortly afterwards the deputy governors and other leading officers, unable to collect a large enough group of supporters, surrendered before a shot had been fired. So the government changed hands without bloodshed.

The "Association's" work met with only limited approval, and sometimes even opposition from the Protestants. Had there been, at this time a liberal, and sincere proprietor's government it would probably have had plenty of support.

After the "Association" had gained control, the new monarchs were proclaimed, an election of delegates was held, an assembly called, and all the offices filled by Protestants. By falsehoods, mixed with some truth, Coode told the king how the lord proprietor had forfeited his rights and how the "Asso-

ciation" had acted only in the interest of the new rulers service, and the Protestant religion. Later each of the older counties, except "Anne Arundel", sent an address to the king in support of the movement, and asking him to take the government into his own hands. Other addresses, denouncing Coode and his followers, were also sent - but most of the colonists sided with Coode. Finally, a committee appointed by the new assembly told the king that under the proprietary government none but Catholics had held office, that Catholicism was encouraged while the Church of England was much neglected. They also said many other things seriously to the detriment of the proprietary government; among them being that the ordinance power granted to the assembly was exceeded, that an unwarrantable power to dispense with, veto, or repeal laws was exercised by the lord proprietor, and that the province was governed by unfair and tyrannical acts of assembly which were obtained contrary to the charter of the colony and also were contrary to the laws of England. All these charges did, it is true, have some foundation.

In April, 1689, the king in council requested that the Committee for Trade and Plantations consider what course would be best to pursue, with the proprietary provinces of Maryland, Pennsylvania and Carolina, in order to provide better defence

of the colonial possessions against the enemy. That same month that committee recommended that Parliament should take up the question of making those provinces more dependent at once on the crown, and a month later it urged that this should be done in the case of Maryland.

Before anything like this had been done, there had come from Maryland the addresses telling what the "Protestant Associators" had done, and, of course, the king and his advisors approved of their deeds. A little later, while the attorney general was considering what might be done in the matter, another letter came from Coode telling that some Catholics, confederates of one of the former deputy governors, had murdered one of his Majesty's collectors of customs while in the discharge of his duties. Then came the news of the Indians of Canada on French instigation making a raid into New York, and of the massacre of the inhabitants of Schenectady. Under these conditions the opinion was given in council that the attorney general should forthwith proceed by "scire facias" against Lord Baltimore's charter in order to vacate it. He proceeded on the assumption that the seizure of the government into the king's hand was the only means of preserving the province. After Lord Baltimore and Coode had been given a hearing before the Committee for Trade and Plan-

tations, the government of the province was taken entirely away from Lord Baltimore, without depriving him of his territorial rights.

The royal government was well established by the middle of the year 1692, and for the next twenty-three years Maryland was administered as a royal province. During that time the officers that had hitherto been appointed and instructed by the proprietor were appointed and instructed by the crown. Laws that were passed by the General Assembly were subject to the crown's dissent; and writs and legal processes ran in the name of the king. Although the old offices and the old legislative and administrative forms were in large measure preserved, nevertheless this was a time in which a decided and effective blow was given to the previously almost absolute government of the province, and a step that was very important was taken toward popular government. The English Revolution of 1688 had transferred the sovereign power in the home government from the king to the houses of Parliament, and, thus, extended to a large degree, the rights, liberties, and powers of British subjects. And so the Maryland Revolution of the following year resulted, for the inhabitants of the province, in a security of their rights and customs as British subjects that

proved to be far more effective than it had formerly been. By these two revolutions the rights of the people of Maryland were not only better secured but they were also much extended. The method of electing and summoning delegates to serve in the Legislative Assembly was no longer determined by an ordinance of the lord proprietor or of his governor and council, but by a legislative enactment. From this time on a county - the unit of representation in the lower house of that Assembly - was accepted by act of Assembly. The lower house effectively denied that a new office could be created without its assent. The legislature, and not the governor and council alone, determined for a time, at least, the fees of officers. The administration of justice was somewhat decentralized. The Church of England was established by act of assembly. In attempting to separate the territorial from the governmental relations, the strength of feudal custom was weakened, whereby the land office ceased to be mainly a possession of the proprietor and became more public in nature.

In 1715, the proprietor becoming a Protestant, the government was restored to him. But as the laws and the preceedents made in the royal period survived, the powers of lord pro-

prietor and people at the beginning of the Restoration were much more equally balanced than they had been before the Revolution of 1688-89.

Chapter VIII

The Burgesses Uphold Virginian Rights

Following the restoration of the Stuart dynasty with the return of Charles II to the throne, the administration of English colonial affairs had been very lax. The Council of Plantations, serving as a Colonial Office from 1660 to 1672, had done little to control the government, or to direct colonial policies. In September, 1672, the Council of Plantations was united with the Board of Domestic Trade to form a Council of Trade and Plantations. It did not prove a satisfactory arrangement, and in December, 1674, it was discontinued, and the direction of colonial affairs was given over to the King's Privy Council. This body created a committee of twenty-one members, whose duty was the supervision of trade and plantations.

This new plan resulted in closer intimacy with the colonial governments and led to intolerance of local autonomy and of representative institutions; and it also resulted in a determination to force upon the colonists a conformity with the policies and desires of the English gov-

ernment. Charles II and James II who followed him, instituted in the decade preceeding the Glorious Revolution, a series of measures which sought to curb the independence of the American colonists. In Virginia, some of its Assembly's most important and oldest rights were attacked. Many of its statutes were annulled by proclamation; its judicial powers were forever abolished; its control over taxation and expenditure was threatened. The privilege of selecting the assembly clerk was taken away, and even the right of initiating legislation was threatened. This intolerant mood of the King and the Privy Council is shown in the instructions given to Lord Culpeper when he left for Virginia. These instructions deprived him of the power, employed often by all previous governors, of calling sessions of the Assembly. It is "Our Will and Pleasure," Charles declared, "that for the future noe General Assembly be called without Our special directions, but that upon occasion, you doe acquaint us by letter with the necessity of calling such an Assembly; and pray Our consent, and the directions for their meeting."[1]

Even more dangerous to the liberties of the Assembly

1. Wertenbaker, T. J. - Virginia under the Stuarts, p. 226.

was the attempt to deprive it of the right to initiate legislation. "You shall transmit unto us, with the advice and consent of the Council," Culpeper was ordered, "a draught of such Acts, as you shall think fit and necessary to be passed, that wee may take the same into Our consideration, and return them in the forms wee shall think fit they bee enacted in. And, upon receipt of Our commands, you shall then summon an Assembly, and propose the said Laws for their consent."[1]

Neither of these instructions could be enforced. The great distance between England and Virginia and the time required to communicate with the king made the summoning of the Assembly and the initiation of legislation without the royal assent an absolute necessity. Lord Culpeper, with the consent of the king, disregarded these orders during his first visit to Virginia, and later the Committee of Trade and Plantations "altered their measures therein."[2]

There were few British colonial governors less fit for their work as such than Lord Culpeper. He was not interested in Virginia nor did he feel obligations to guard the welfare of the people of the colony. He did not even obey the com-

1. Wertenbaker, T. J. - Virginia under the Stuarts, p. 226.
2. Wertenbaker, T. J. - Virginia under the Stuarts, p. 227.

mands of the king at all times. His office seems to have meant to him a way of securing a large income and he never ceased in his efforts to extort money from the impoverished colony. He did not hesitate to resort to fraud in satisfying his greed.

But Culpeper's defects were not all unfortunate from the colonial standpoint. The defects made him unfit to carry out the King's plans. He was absent too often from his government to become well acquainted with the real conditions of the colony or to win the support of the wealthy colonists by wise use of the patronage. He was too careless and too weak a character to pursue a long and relentless attack upon the established privilege of the people.

The removal of Culpeper did not improve conditions in Virginia. Lord Howard, the new governor, was well fitted for the task of oppression and coercion. He proved to be an enemy to representative institutions of the colony, and he proved an able defender of royal prerogative. Had the House of Burgesses not made a determined resistance, he might have overthrown all constitutional government. The Burgesses almost always in colonial history were men of high social position, but they represented, nevertheless, not only their own class, but the people of the entire colony.

No sooner had the new governor arrived in Virginia than the trouble with the Burgesses began. The session of April, 1684, was a bitter one. The loss of the right of appeal was one which Virginia resented, but one which in spite of their efforts to do so, was never regained by the Assembly. This change gave into the governor's and council's control tremendous power over the judiciary of the colony, and with its loss, the judiciary of the colony lost its only democratic feature.

The Burgesses made a strong protest against the king's right to annul acts of Assembly. When the governor refused to help them, they decided to appeal directly to the king, petitioning him not only to give up the right of repealing laws by proclamation, but to permit the continuation of appeals to the Assembly. When the governor refused to transmit their address to the king, they sent copies by two of their own members. But this address received little consideration from the king.

In the spring of 1685, news came of the accession of James II. The people outwardly welcomed the new ruler, but in reality, they were not pleased. James II was a Roman Catholic, and the colonists of Virginia were Protestants who were not pleased to be ruled by a Roman Catholic monarch.

When news of the rebellion led by the Duke of Monmouth reached Virginia, there was danger for a time that the common people of the colony might take up his cause.

As time went on, the people became more sullen and discontented. Times were very hard in Virginia, and there was trouble over tobacco. The Burgesses became more and more stubborn. In 1685, the House resisted so strenuously an attempt to deprive it of its control over taxation that it was successful in its resistance. In almost every question which came before it, the House of Burgesses found itself in conflict with the governor, and in almost every case the result was greater burdens for the poor and discontented people to bear - inflicted by a king determined to enforce his policies upon the colonies.

The resolute defense of the constitutional rights of Virginia made by the House in this difficult period, is deserving of praise, for it was carried on in spite of personal attacks by the governor. Any Burgess that voted against the measures proposed by the king or advocated by the governor, exposed himself to removal from office and to other kinds of persecution. The people considered the governor as an instrument of the English king and his Councillors in an attack upon representative government in the colony. All

classes, even the wealthy planters, were now resisting him with determination.

The most important task before the Burgesses when they met in 1688 was to call the governor to account for the burdensome fees which he had imposed on the people by executive order. Among the matters of great importance to Virginia was the question of fees on their great staple product, tobacco. A fee of 200 pounds of tobacco was required in payment for the seal placed upon patents and other documents. Another fee against which there was much complaint was the one demanded by the head official of the Escheat Office. This was for either £5 or 1000 pounds of tobacco. In the complaint, the Burgesses stated that they felt that many unfair and illegal fees were imposed under the protection of the king's authority. They claimed that these fees and duties had caused the colony great hardship and inconvenience.[1] The Burgesses sought to have the new government in England take their side in their struggle with the governor. However, they decided on the wise policy of placarding the governor if possible. It was a delicate task but desperation drove them to it with a determination to gain their ends if that was humanly possible.

The Burgesses drew up a paper, setting forth their many

1. Wertenbaker, T. J. - Virginia under the Stuarts, p. 254.

grievances, intending to present it to the governor. They first requested that the council join them in their demand for redress.[1] The Council, however, refused to do this. Deciding that it was hopeless to gain satisfaction from the governor, the Burgesses determined to petition the king himself. An address was drawn up, very humble in tone, and this was delivered by Colonel Philip Ludwell to James II at Windsor, in September, 1688. Before it could be considered William of Orange had reached England and James II had lost the throne.

Meanwhile in Virginia a crisis had been developing, the people feeling that not only their liberties, but their religion were being attached by the rule of James II. In 1688, Lord Howard had declared it no longer necessary for the Burgesses to take the oaths of allegiance and supremacy, and had admitted a Catholic to the Assembly.

In October, 1688, word came of the impending invasion of the Prince of Orange into England and Virginia was thrown into great excitement. Defences were prepared by the government, but the feelings of the people had been so aroused that for a time it seemed that they would try to expel the governor. "Unruly and unorderly spiritts laying hold of the motion of

1. Wertenbaker, T. J. - Virginia under the Stuarts, p. 255.

affairs, and that under the pretext of religion," the governor later declared, "betook themselves to arms."[1] Rumors spread that the Catholics of Maryland were conspiring with the Indians to attack Virginia and destroy all Protestants. The Virginia frontiersmen along the upper Patomac and Rappahannock rivers were "drawing themselves into parties upon their defense" and were "ready to fly in the face of ye government. Soe that matters were...tending to a Rebellion."[2] William's victory and the flight of James II restored quiet to the colony and in February, 1689, the Privy Council wrote to the governor that William and Mary had ascended the throne and in a few weeks they were proclaimed at Jamestown "with solemnity and thanksgiving."[3]

The Glorious Revolution was a victory for liberty of greater importance in Virginia than it was in England. It stopped the attacks of the English government upon the representative institutions of Virginia that had become so troublesome in the preceeding decade. It confirmed the rights which had been guaranteed the people by a long series of patents dating back as far as 1606 and made it impossible for all time for such men as Harvey, Berkeley, Effingham and Lord

1. Wertenbaker, T. J. - Virginia under the Stuarts, p.256.
2. Wertenbaker, T. J. - Virginia under the Stuarts, p. 256.
3. Wertenbaker, T. J. - Virginia under the Stuarts, p. 256.

Howard to illegally oppress the colony. It is true that after the Revolution of 1688, Virginia did have in such men as Nicholson, Andros and Dunmore, despotic rulers - but it was not possible for them to employ the tyrannical methods which their predecessors had used. The Glorious Revolution weakened for all time the control of the British government over the colony and consequently the governor's power.

The changed attitude of the Privy Council towards Virginia was shown at once by the consideration given the petition of the Burgesses. William received Ludwell courteously, listened to him, and directed the Committee of Trade and Plantations to investigate the matter and to see to it that justice was done.[1] Effingham, called to England upon private business, appeared before the Committee to defend his administration and to refute the charges of Ludwell.

However, several articles of the petition were decided against him, and many of the worst grievances of the people were redressed. The "Complaint touching the fee of 200 pounds of tobacco" - was reported "imposed by my Lord Howard for affixing the Great Seal to Patents...in regard it was not regularly imposed...the committee agree to move his Majesty the

1. Wertenbaker, T. J. - Virginia under the Stuarts, p. 257.

same be discontinued."[1] Also the Committee declared in favor of abolishing the fee of 30 pounds of tobacco required for registering surveys. It was declared by the Attorney-General and the Solicitor-General that the king had the right of repealing acts of repeal to revive laws, but the Committee agreed to move the king that the Act of Attorneys should be made void by proclamation. This was a great vitory for the House of Burgesses. The Committee decided that Effingham should no longer rule the colony. He remained Governor-General, but he was ordered to remain in England, and the administration of the colony was left to a Lietenant-Governor who was to be Captain Francis Nicholson.

So the colony of Virginia triumphed by the results of the Revolution of 1688. The House of Burgesses had lost many privileges among them the right to elect its own clerk, the right to receive judicial appeals, the right to control all revenues - but it had kept its control of the all-important power of levying the general taxes. It had gained tremendous political experience. A long period of watchfulness, of resistance to encroachments upon rights, had made it a body equal to dealing with the most clever executives. The Burgesses had upheld the peoples' rights in the face of all dif-

1. Wertenbaker, T. J. - Virginia under the Stuarts, p. 257.

ficulties.

Chapter IX

Carolina in the Glorious Revolution

One of the colonies that finally became firmly established only after tremendous difficulties was Carolina. Other colonies successfully were established even before its settlement.

In 1663, Charles II granted the region south of Virginia and extending from 31° to 36° north latitude and westward across the continent to some of his noble adherents to whom he was indebted. Berkeley, one of the proprietors, was governor of Virginia, and he was commissioned by the other proprietors to form a government in the new territory. Two counties, Albemarle and Clarendon, were first formed. Other territories, however, were added by the charter granted two years after the first charter of 1663, in 1665.

The northern part of the territory of Carolina had been settled to a slight extend previous to 1663 - but not until almost three quarters of a century had passed since its colonization began, was the attention of the English

government turned toward Carolina to any extent.

In 1663, Charles II gave a grant to certain of his favorites, among them being the Earl of Clarendon, the Duke of Albemarle, and Sir George Carteret, making them the Lords Proprietors of a new province called in honor of himself, Carolina. The government of the province was left in the hands of proprietors, and governors were sent to the colony by these proprietors. However, they did permit the colonists to have a General Assembly, composed of delegates elected by the freemen of the colony.

The grant of land known as Carolina was divided into sections. The aim of the proprietors seems to have been to establish several separate, independent colonies. The portion which was first known as Albemarle comprised most of what later became North Carolina. Most of the portion originally called Clarendon became South Carolina later.

The Lords Proprietors from the beginning found how vain were their attempts to control the views and plans of the people of their province. With very few exceptions the story of their proprietorship in Carolina is one of contention between the House of Assembly representing the people of the colony and their governors representing the Lords Proprietors. The Fundemental Constitutions developed by John

Locke as the organic law of the province failed utterly, and were annulled in 1693.

On the ascension of William and Mary the news was proclaimed in North Carolina. It was received with little interest. The people had lived for so long without troubling themselves to recognize the sovereignty of England, that it made little difference who ruled to them. It might have been otherwise had William followed the advice of his councillors to bring the proprietary colonies of America under a closer dependence on the crown, as the royal revenue in the colonies was dependent upon it. He did not touch the charter of Carolina, because the proprietors were too powerful in rank and influence for him to chance losing their support at a time when his throne was not firmly secured.

The Revolution of 1688 which had such important results in most of the colonies had little effect in Carolina which continued as a proprietary province until 1729 when Parliament, convinced that English trade would be benefited there by the Crown's assuming control of affairs bought the rights and titles of all the proprietors, excepting Lord Carteret. Carteret was given as his portion the northeastern part of

the territory. He continued in control of this section until the American Revolution, but the other portions of the colony became a royal province in 1729. It was at this time that the two colonies in Carolina became officially North and South Carolina.

South Carolina in the Glorious Revolution

South Carolina was always a province - proprietary until 1719 - royal until 1776. And the first colonists there were those sent for the purpose of colonization by the Lords Proprietors. The history of South Carolina is a story of continuous conflict and of the slow but continued triumph of the populor over the prerogative element of the people.

The politics of the province may be divided into three sub-periods during the proprietary period. The first of these, and the one in which we are interested, extended from the beginning of the proprietary period until 1700. This era is characterized by a long drawn-out conflict between the representatives of the people in the assembly, aided by the elected members in the grand council on one side, and the governor and deputies of the proprietors on the other.

The principal questions at issue were the refusal of the people to accept thè Fundemental Constitutions as the basic laws of the province, the proprietors' attempts to give to the new and sparsely settled counties a representation in the assembly equal to that of the large counties, and a quarrel over quit-rents. The settlement came almost to a state of anarchy and the proprietors were forced finally to make concessions. This resulted in a gradual change in the colonial consitution of the colony, and the development of greater control by the colonists themselves, over the government.

The Revolution of 1688 seems to have meant very little to South Carolina, the people hearing of it without enthusiasm, and the accession of William and Mary being received in Carolina almost with apathy.

However in 1692 the parliament seems to have divided into two houses and the elective element seems to have then disappeared from the council. With the Grand Council seems to have resided the sole power to initiate legislation.

The change in the government at this time was due mostly to an internal revolution which took place at the time. In 1690, Seth Sothel, who had been banished from Albemarle, arrived in South Carolina. He proceeded to make himself the leader of the people, and soon seized the government of the province. The proprietors threatened to punish him, but the

people were with him, and, finally in 1693 a new charter was granted by the proprietors for the safety and protection of the people. At this time the Fundemental Constitutions, a cause of much trouble, in both North Carolina and South Carolina were abolished.

South Carolina remained a proprietary province until 1719 when after a revolution in the province in which the people took the control away from the proprietors, the crown took charge of the colony and it became finally a royal province.

Chapter X

Results of the Revolution of 1688 in the Colonies

In the character of the two Stuart kings, Charles II, and James II, we find many of the causes which brought, in the decade preceeding the "Glorious Revolution", as the Revolution of 1688 is often called, dissatisfaction to most of the American Colonies. During their reigns the nominal headship of the colonies lay with the crown of England but the actual management lay with the Lords of the Committee of Trade and Plantations, the Colonial Office of the time; and the controlling superior of that board was the Duke of York, afterwards James II, who gave constant attention to colonial matters, and was as active and purposeful as his brother, Charles II, was idle and indifferent. It is hard for Americans to be quite just to this king. It may have been a mistake for him to try to force his plans on colonies which desired different ones, but it does not necessarily mean that his intention was not right. The governors whom he sent were not profligate or needy favorites, as was often the case, but among the ablest and most upright of their class in America.

James' policy toward the American Colonies was probably

injurious and certainly offensive, but it was not intended to be harmful, and probably not specifically to be offensive. His methods were characteristic of his hard, narrow temper, and of the dislike of popular power common to all of the Stuart dynasty. To convert a set of small scattered plantations, half encircled by Indians and backed by a strong colonial foe, into a strong colony under an able commander, was surely not a discreditable plan - it was intended to benefit them as well as England. To direct intercolonial affairs, to enforce the laws of England, and to carry out her commercial policy, to establish the national church while recognizing the peculiarities of colonial dissent - to treat the colonies as if they were an integral part of the British realm were the aims of the Stuart policy. People of broad experience and with wide interests might see little that was at all dangerous in such plans - but to many colonists, they were acts of tyranny. Men of New England like Dudley and Stoughton might welcome the change they brought, but in general the people, under the lead of men like Nowell and Danforth in New England, could see only the loss of the ideals with misgovernment and oppression.

In passing to the reign of William and Mary, we are beginning a new order of things. We have seen that in the time of

the Stuarts, the trading interests, to a large extent, dictated colonial policy; and there were good reasons why, under William, these interests should be favored. England found it necessary to have a National Debt, the funds for which could be provided only through the growing importance of the commercial classes. The interests of these classes demanded that England should become a great sea power, with a great sea-borne commerce, and colonies whose trade the home markets controlled. Thus, it was necessary that the Navigation Acts should be strengthened and consolidated. In order to bring this about, Custom House officers in the colonies were established on a new footing, and the same powers were given them as were given the revenue officers in England. Admiralty Courts were established in the colonies. Another act restricted inter-colonial trade. These caused indignation in the colonies. In 1696 the Committee of Trade and Plantations was abolished, and the work transferred to a new Board of Trade and Plantations. Its work was simply to collect and give out information, while executive power lay with the Privy Council or the Secretary of State. But this was not a satisfactory solution - trouble arose from the multiplication of authorities all dealing with colonial affairs. And, at the same time, in the Colonies the old complaints were again renewed - as were

also the former complaints in regards to their actions. The truth was that to cope with the mutual jealousies of the American Colonies, greater statesmanship was needed that most of the English leaders possessed.

In the New England colonies there was unrest under William as there had been under the Stuarts. The settlements provided the various colonies by William did not satisfy the colonies entirely. Massachusetts, always troublesome to the home government, was disappointed in its hopes of regaining its former freedom from William, and openly adopted an attitude of "hands off"; while, at the same time the English merchants were becoming rivals of New England merchants. Moreover there was the growing danger of French attack and Indians' war which menaced not only New England, but also the other northern colonies. Plymouth Colony was united with Massachusetts.

In New Hampshire we find a proprietary government sanctioned by the new rulers, while Rhode Island and Connecticut retained their charters, and continued much the same government as they had had prior to the "Revolution". New York, after the failure of Leisler's Rebellion, was, after some delay put under the control of the Crown. In the Jerseys, the proprietary government assumed a troubled control which was finally relinquished at the beginning of the eighteenth cen-

tury when, as New Jersey, the colonies came under royal control. Pennsylvania, lost to Penn for a brief time following the downfall of the Stuarts, was returned to Penn's control and remained a proprietary province for many years. In Maryland, the chief result of the "Revolution" was to deprive Lord Baltimore of his political authority because of his being a Roman Catholic. His financial rights as proprietor were preserved, however. From then on, although in 1715 proprietorship was nominally restored to the fourth Lord Baltimore, he being a Protestant, for all real purposes the colony was under the direct administration of the Crown.

The accession of William and Mary caused little change in Virginia. The corrupt Lord Howard of Effingham remained as Governor - but the government was carried on by the able Lieutenant-Governor, Nicholson. Franchise was restricted to freeholders, and provisions were made for closer contact with the colony. In Carolina, the entire territory was under proprietary control and the "Glorious Revolution" had no direct effect upon either Albemarle or Clarendon, the two colonies there.

The effect of the Revolution of 1688 was thus varied in the American Colonies. The attempts, on the part of the last of the Stuarts, to revolutionize the policy of England in re-

gards to its American Colonies were not completed when he lost the throne to William and Mary. He left, for his successors, a group of colonies varying in attitude from a state of high indignation in New England to the apathy of the Carolinas. Every colony was in a more or less disturbed condition, and especially was this true in those colonies which found themselves in the arbitrary union of the Dominion of New England.

It seems as though the new monarchs were feeling their way as cautiously as possible in dealing with the difficult problem of the American Colonies. Each colony presented a separate problem. It is quite probable that had he dared, William would have continued the policy which James had begun - that is, he would have forced the jealous and self-centered colonies into some form of union. But William had many problems to face - and in his American Colonies he sought peace. He seems to have done what he thought the wisest plan in regard to the colonies - a plan based on the divergent views of many advisors, both English and colonial. He conciliated both colonial and English statesmen wherever possible. Perhaps he took the wisest course, for in the tangled maze of colonial jealousy and aspirations in the seventeenth century there could be found no practical nor

permanent solution. The more centralized English plan might have succeeded if there had been a more tolerant and understanding attitude toward colonial ambitions on the part of English leaders in England and in the colonies. But what might have happened is not what did happen, and the American provinces entered the eighteenth century still jealous of each other, still quarelling with the mother country or their proprietors, if under proprietary control, over questions of policy - and still seeking what the mother country, doing as she believed wisest for both herself and her colonies, refused to give them.

In English history during the 17th century there are three very important events. These were the Puritan Revolution, the Restoration, and the Revolution of 1688-89. Each of these controlling events had an influence on the development of the English colonies in America. The Civil War and the Puritan Revolution prevented Laud from carrying out his plans for the enforcement of uniformity in New England, and allowed the colonies twenty years of freedom from constraint. For a time it substituted parliament as the centre and source of control instead of the crown. Before, however, the lines of control had been strictly determined, the Protectorate was established.

With the Restoration came the trend toward strict executive control over the colonies such as the earlier Stuarts had maintained. The attempts to enforce uniformity were given up, but, supported by acts of parliament, the regulation of colonial trade became an important object of British policy. The evident plan was for the union of the various colonies under a sort of governor-generalship.

Before he had succeeded in his colonial plan, James II was overthrown by the Revolution of 1688 in England. The event released, in the colonies, all the forces of opposition against his policies. First Massachusetts, and then the other corporate colonies resumed their old forms of government. New York, with somewhat less success, repeated the uprising of the New England colonies. Proprietary rule came back in New Jersey. The dominion of New England was completely wrecked by these occurrences, and colonial assemblies were restored to power. In Maryland, the government of the Catholic proprietor was overthrown, and a crown colony took its place. The government of William III in England, resting on the plan of a free parliament, was committed to the recognition of the need for colonial assemblies, and, also, to their legitimacy. In Massachusetts, the enlarged province was fully guaranteed by charter as never before. New York received an

assembly which was to be a permanent part of her constitution. She now was a part of the "mixed system of balanced powers"[1] similar to that which existed in England. Connecticut, and Rhode Island were allowed the autonomy granted by their original charters. In Pennsylvania, Penn got back his powers of government after a short suspension. The same was true for about a quarter of a century longer in the Carolinas. In Virginia, the claims of the executive branch of the government were lessened, and never again did they attain the scope which they had reached under Effingham.

This in a general way was the result within the colonies of the controlling events of the same period in English history. Institutionally the fact was that they were founded as chartered colonies, and so most of them remained through most of the seventeenth century. This was the time of chartered colonies. The meaning of this was that the crown had given certain rights of settlement and rights of government over the colonies and colonists to proprietors. The proprietors used their powers under varied forms. This fact, added to their isolation, meant that the king's subjects in the colonies were removed much further from him than were his subjects in England. Between the crown and the colonists were the pa-

1. Osgood, Herbert L. - American Colonies in the 17th Century, Vol. 1, p. 509.

tentees or grantees to whom the charters had been issued. The individual colonist was reached mainly through the government of his colony. The obedience which the crown sought of him was through the colony at large and as a whole. Thus it was necessary for the home government to rely on the loyalty of the assembly and colonial officials to a large extent - and it was possible for them to hamper the royal executive whenever they chose.

The object of the administrative measures of the later Stuarts was to reverse the policy which had resulted in the establishment of the chartered colonies. They sought to recover, where possible, the powers which the crown had granted away. As a result of the growth of commercial interests and the question of defence, the home government had a policy which it felt must be administered. The great distance which separated the colonies in America from the mother country had resulted in the colonies transacting most of their business within themselves and by their own methods. Only the most important - those which concerned the empire - were considered by the administrative bodies in London. The new policy, because of these facts, ran counter to local tendencies in the colonies. The new policy was imperial, and it sought to advance British interests as a whole. While the

policy was primarily imperialistic, yet it had cared for the interests of the colonies, provided that they agreed to abide by the conditions and obeyed the British authorities. Thus, it was necessary to have royal appointees in the colonies, and to restore the relation between them and the colonists instead of depending upon the doubtful coöperation of proprietary appointees or the elected officials of corporate colonies.

But the policy of James II came finally into opposition with both colonial and English traditions. Whether it could have become permanent will never be known for the Revolution of 1688-89 solved the question to the satisfaction of most of the colonies. The king's subjects in the realm went to parliament for redress against the king, and with that event passed the only time in colonial history when colonial assemblies could be suppressed and the executive could be made strong enough to carry alone the burden of governing. After James II fell, colonial boundaries and assemblies were restored - but the chartered colony did not return as the chief form of colonial government. There was a compromise between this and the governor-generalships of James II. This compromise was the system of royal provinces - each with its assembly of two houses, its judges and other officials, the ap-

pointees of the crown, and acting in well defined subordination to the home government. This was the balanced system which developed with the spirit of the "Glorious Revolution." The chartered colonies represented more truly the radicalism of the Puritan Revolution. The transition to the royal province was gradual. It was with the middle of the 18th century that the last chartered colony became a royal province. But in 1692 the eventual result was clearly evident.

In the royal provinces questions of important administration were generally fought out between royal appointees and the provincial assemblies. The king was a very vital figure in the government of these royal colonies which were linked to the mother country by far closer ties than were the corporate colonies. There were also the added benefits of greater regularity and uniformity in the governments of the different colonies. Of course the problem of distance remained a difficulty which was little altered during the whole course of Britain's control of those of her American colonies which later became the United States. The problem was a serious one, perhaps one of the basic reasons why Britain and those colonies found so many causes on which they could not agree and misunderstood each other. Considered through the long course of the years and judged im-

partially and with knowledge not restricted to the immediate time of the Revolution of 1688 it becomes evident that the "Revolution" marks an important step forward in the constitution of the British empire.

THE EFFECT OF THE REVOLUTION OF 1688
IN THE AMERICAN COLONIES

Bibliography

Author: Barnes, Viola F.
Title: The Dominion of New England - A Study in British Colonial Policy
Published: New Haven: Yale University Press
Date of publication: 1923
Note: Have read complete text.

Author: Connecticut
Title: Public Records of the Colony. Transcribed and edited (Vol. I - III) by J. N. Trumbull (Vol. IV - XV) by Charles J. Hoadly
Cover Title: Colonial Records of Connecticut
Published: Hartford: Brown and Parsons
Date of publication: 1850-90
Note: Briefly examined Appendix.

Author: Dunlap, William
Title: History of the New Netherlands, Province of New York, and State of New York to the Adoption of the Federal Constitution
Published: New York: Carter & Thorp
Date of publication: 1839-40
Note: Have read Chapters 9, 10, 11, 12

Author: Egerton, Hugh Edward
Title: A Short History of British Colonial Policy
Published: London: Methuen and Company
Date of publication: 1897
Note: Have read complete text.

Author: Field, Edward
Title: State of Rhode Island and Providence Plantations at the end of the century: A history (III Vols.)

Published: Boston: The Mason Publishing Company
Date of publication: 1902
Note: Have read Vol. I, Pages 122-161.

Author: Fiske, John
Title: The Dutch and Quaker Colonies in America (II Vols.)
Published: Boston and New York: Houghton, Mifflin and Company
Date of publication: 1899
Note: Have read Vol. II, Chapters 12 and 13.

Author: Great Britain: Public Record Office
Title: Calendar of State Papers: Colonial Series (America and West Indies) Edited by Sainsbury, W. Noel and by Fortescu, J. W.

Published: London, Printed for Her Majesty's Stationery Office by the "Norfolk Chronicle" Company, Ltd: Norwich (And to be Purchased from either from Eyre and Spottiswoode, John Menzies and Company, or Hodges, Figgis and Company.)
Date of publication: 1899
Note: Have examined portions of material concerning periods between 1685-1695.

Author: Kimball, Everett
Title: The Public Life of Joseph Dudley - A Study of the Colonial Policy of the Stuarts in New England 1660 - 1715
Published: New York, Longmans Green and Company
Date of publication: 1911
Note: Have read complete text

Author: Maryland
Title: Archives of Maryland
Published: Authority of State - Maryland Historical Society: Baltimore

Date of publication: 1883-1927
Note: Carefully examined Proceedings of the Council of Maryland (1687-93)

Author: Richman, Irving B.
Title: Rhode Island as a Colony and as a State
Published: Boston: Houghton, Mifflin and Company
Date of publication: 1905
Note: Have read Part II, Chapters 3 and 4.

Author: Shepherd, William Robert
Title: History of Proprietary Government in Pennsylvania
Published: New York: Columbia College (University faculty of Political Science)
Date of publication: 1896
Note: Have read Part II, Chapters 12 and 13.

Author: Smith, William Roy
Title: South Carolina as a Royal Province (1719-1776)
Published: New York: The Macmillan Company
Date of publication: 1903
Note: Have read Introduction (The Proprietary Period 1670-1719)

Author: Stackpole, Everett Schermerhorn
Title: History of New Hampshire (V Vols.)
Published: The American Historical Society
Date of publication: 1916
Note: Have read Vol. I, Chapters 5, 6, 7, 8, 9.

Author: Wertenbaker, Thomas Jefferson
Title: Virginia under the Stuarts 1607-1688
Published: Princeton: Princeton University Press
Date of publication: 1914
Note: Have read Chapters 5, 6, 7, 8.

Author: Winsor, Justin (Ed.)
Title: Narrative and Critical History of America
Published: Boston: Houghton, Mifflin and Company
Date of publication 1887
Note: Have read Chapter II (New England, 1689-1763) by Justin Winsor, Chapter III (The Middle Colonies) by Berthold Fernow, Chapter IV (Maryland and Virginia) by Justin Winsor, and (The Carolinas) by Prof. William J. Rivers.